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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/600,335 | 07/14/2000 | Michael Koblbauer | 951/48953 | 2648 |

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| EXAMINER |
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YANG, CLARA I

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| ART UNIT | PAPER NUMBER |
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2635

DATE MAILED: 01/14/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,335

Applicant(s)

KOBLBAUER, MICHAEL

Examiner

Clara Yang

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-30 is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 7 October 2003 in reference to claim 13 have been fully considered but they are not persuasive.

In response to the applicant's argument on page 8 that Col. 7, lines 7 - 9 of Schuermann "appear to describe a situation in which a vehicle already started by means other than the transponder will be turned off if a proper identification is not received from the transponder ", in Col. 7, lines 4 - 6, Schuermann teaches that the transponder alone can be used to provide ignition control. Consequently, transponder 22 is able to provide the proper identification code to the automobile ignition control module in order to start the ignition. Because Schuermann adds in Col. 8, lines 46 - 58, that transponder 22 is regularly interrogated at regular intervals by the vehicle's controller 10 while the vehicle is in operation, it is understood that the vehicle will cease operating if transponder 22 fails to provide the proper identification code to the automobile ignition control module during the interrogation process (see Col. 7, lines 8 - 9).

The applicant further argues on page 8 that "one skilled in the art would not employ such a dangerous feature - turning off an engine - in LAMBROPOULOS during driving of the vehicle." However, such feature is common in anti-theft or anti-car jacking systems for vehicles. In such systems, when a vehicle control device no longer receives/detects an authorization code from a transmitter/transponder carried by a user, the vehicle control device disables the vehicle. Consequently, one skilled in the art would modify the security system of Lambropoulos as taught by Schuermann because regular interrogation of the transponder while the vehicle is operating improves security by (1) requiring the presence of the transponder in

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order for the vehicle to operate and (2) disabling the vehicle in the event the rightful user and the transmitter/transponder are forced out of the vehicle during a car jacking.

Allowable Subject Matter

2. Claims 17 - 24 and 25 - 30 are allowed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,736,935 (Lambropoulos) in view of U.S. Patent No. 5,552,789 (Schuermann).

Lambropoulos teaches a transceiver C (see Fig. 2) that is mounted within a vehicle and performs two separate and independent interrogations. The first interrogation process will permit an operator to enter the vehicle if a transceiver A, which is carried by the operator, transmits a proper security code to transceiver C (see Col. 3, lines 34 - 65). Transceiver C's second interrogation occurs at the start of the operation of the vehicle. Once the operator is sitting in driver's seat and depressing the brake pedal, Lambropoulos imparts that transceiver C will transmit a second or start engine interrogation signal, which is received by transceiver A. If the received interrogation code matches with the prestored interrogation code, transceiver A will transmit a reply to transceiver C. If the security code contained in transceiver A's reply, transceiver C will initiate the starting of the vehicle's engine. (See Col. 3, lines 66 - 67; Col. 4,

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lines 1 - 12; and Col. 7, lines 36 - 62.) Lambropoulos imparts that once the engine is running, transceiver C ceases all interrogation activities (see Col. 9, lines 56 - 60).

In an analogous art, Schuermann teaches a method for operating a vehicle in which access authorization is determined via a dialog between a control device fixed in the vehicle (called a "TIRIS reader") and an authorization verification device (called a "key transponder") carried by a user (see Col. 6, lines 60 - 63 and Col. 8, lines 54 - 63). Per Schuermann, key transponder 22 is also used to provide ignition control, wherein the vehicle will not start or continue to run (if started) until the proper identification code is provided to the vehicle ignition control module (see Col. 7, lines 4 - 9). Schuermann discloses that the TIRIS reader regularly interrogates the transponders installed in the vehicle (see Fig. 1, transponders 20₁ to 20_n) and key transponder 22 (see Fig. 1, key 22) at regular time intervals (see Col. 8, lines 46 - 48). Here it is understood that the regular interrogation of key transponder 22 occurs while the vehicle is operating.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the security system of Lambropoulos as taught by Schuermann because continuing the interrogation process during the operation of the vehicle maintains a high level of security by (1) requiring the presence of the transponder in order for the vehicle to operate and (2) disabling the vehicle in the event the rightful user and the transmitter/transponder are forced out of the vehicle during a car jacking.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- ◆ U.S. Patent No. 4,159,467 (Ballin): Ballin teaches (1) an electronic vehicle key that includes a handheld portable transmitter carried by the authorized driver and (2) a receiver and associated detection circuitry installed in a vehicle, wherein the receiver is programmed to respond to periodic identification signals from the transmitter by applying periodic control pulses to the associated detection circuitry. The detection circuitry disables the vehicle in response to the absence of at least one control pulse during any one of the periodic intervals.
- ◆ U.S. Patent No. 5,349,329 (Smith): Smith teaches an anti-theft apparatus comprising (1) a transmitter carried by a driver and (2) a receiver installed in the vehicle, wherein when the receiver fails to detect the signal sent by the transmitter, a switch circuit disables the vehicle.
- ◆ U.S. Patent No. 5,793,306 (Vershinin et al.): Vershinin teaches a vehicle protection system comprising a disabling circuit, a transmitter sending a signal, and a receiver causing the disabling circuit to disable the vehicle when the receiver fails to receive a number of consecutive signals from the transmitter carried by the driver.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (703) 305-4086. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

CY
7 January 2004

BRIAN ZIMMERMAN
PRIMARY EXAMINER

